

# FROM LESS WAR TO MORE PEACE: GUATEMALA'S JOURNEY SINCE 1996

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This paper examines Guatemala since December 1996 when the Guatemalan Government and the insurgent guerrillas (the URNG) signed a Peace Accord, ending a violent thirty-six year civil war. This achievement, remarkable at first glance, ushered in a state of “negative peace” or the absence of war. This event, however, also marked the beginning of an attempt to achieve “positive peace” or a civil society built upon the principles of social justice. The paper’s analysis reveals these years to be a timely and important struggle with international implications. It examines how Guatemalans have addressed longstanding economic, social, and political disparities that engendered the civil war in the first place and are still evident today. It also examines how Guatemala has been influenced not only by external political and economic forces but also by the inherent challenges that follow a violent civil war: the tension between truth and reconciliation, the tension between peace and justice, the legacy of violence, and the reintegration of former combatants.

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## INTRODUCTION

Guatemala is a country with a traumatic recent past. The legacy of its 36-year brutal civil war is still very evident today, twelve years after the historic signing of the peace accords between the Guatemalan government and the insurgent Guatemalan National Revolutionary Union (widely known by the Spanish acronym of URNG). Although the ceasefire between the rebels and government forces has held up to the test of time, the legacy of direct and structural violence, evidenced in systematic human rights abuses, impunity, and unacceptable economic disparity, continues to haunt this nation of over twelve million people.

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It must be acknowledged that Guatemala's "absence of war" is in itself an accomplishment. However, beyond the absence of war, which Johan Galtung refers to as "negative peace," there is the potential for "positive peace," a state of peace that is characterized by the elimination of unequal social structures and discrimination, and the promotion of personal and community freedom and social and economic equality.<sup>1</sup> Viewed from this framework, it becomes important to explore the extent to which the Guatemalan Peace Accords have achieved peace that is commensurate with the tenets of social justice. The purpose of this paper, therefore, is to examine Guatemala's journey since the signing of the peace accords—a journey from the absence of war (negative peace) to seeking a just society (positive peace). After a brief review of the civil war and the peace process, Guatemala's current political, social, and economic reality will be discussed using John Brewer's framework for the social problems faced by "post-violent" societies.

Brewer describes post-violent societies as those nations that have recently ended civil wars through negotiated peace accords, but then must direct their efforts and resources to attain good governance and improved human rights. It is clear from Brewer's discourse that the violence associated with a protracted civil war leaves a complex legacy that challenges this transition. Three issues that Brewer identifies clearly resonate with Guatemala, and are discussed here in depth: the Tension between Peace and Justice, the Tension between Truth and Reconciliation, and the Reintegration of Former Combatants.<sup>2</sup> To Brewer's categories, I add a fourth, the Legacy of Violence. The addition of this category is based on my own analysis, having recently lived in Guatemala for a year, and based on issues identified by Daniel Goldstein and Philip Alston,<sup>3</sup> among others.

#### BACKGROUND: THE GUATEMALAN CIVIL WAR

In 1954, a CIA-backed coup toppled the democratically elected government of President Jacobo Arbenz and marked the beginning of over three decades of right-wing military rule in Guatemala. In 1960, an insurgent movement began through the efforts of disgruntled members of the military, urban intellectuals, and students. At the height of the military repression in the early 1980s, the movement was joined by many indigenous *campesinos* (subsistence farmers) who lived in the western highlands where more than 600 massacres had been carried out under the military's official scorched earth policy.<sup>4</sup> Two national leaders stand out in the history of Guatemala's repression: General Fernando

Lucas Garcia and General Efraín Ríos Montt. Both came to power as military rulers and their governments, considered the most brutal in Guatemala's history, lasted from 1978 to 1983. Lucas Garcia died while living in exile in Venezuela, while Ríos Montt is alive and well, and was re-elected as a member of the Guatemalan National Congress in the fall of 2007.

Unlike other Central American civil wars, the Guatemalan insurgency could be characterized as a small group of poorly equipped revolutionaries, numbering only 3,614 at the signing of the peace accords.<sup>5</sup> The Guatemalan national army, on the other hand, rapidly became a formidable, well-equipped force with financial and military backing from the United States and Israel.<sup>6</sup> This backing continued in various forms until 1990, despite international awareness of the gross human rights violations in the early 1980s. In addition to the army, the Guatemalan counter-insurgency was aided by numerous other allied forces, including the National Police, the Civil Patrols (described later), and paramilitary organizations.<sup>7</sup>

In common with the other Central American civil wars, the Guatemalan experience became a "proxy war" of the Cold War between the United States and the Soviet Union. The rebels were labelled as Marxist, and American support, couched in moral and religious terminology,<sup>8</sup> was delivered under the rubric of saving its southern neighbours and allies from the evils of Communism. The United States's major economic interests in Guatemala, which dated back to the nineteenth century, were seriously threatened by any hint of political or economic reform. Guatemala's class division—a small ruling elite of Spanish descendants on the one side, and the majority indigenous population on the other—was as deeply entrenched as the political and economic disparities. History demonstrated, and the political climate of the Cold War dictated, that any reform efforts would be too threatening for the United States to ignore. The results of foreign involvement were tragic. By the end of the civil war, over 200,000 Guatemalan civilians had been killed in what the United Nations officially labelled a genocide. The United Nations Truth Commission determined that the army and allied forces were responsible for ninety-three per cent of the human rights abuses, while the insurgents were responsible for only three per cent.<sup>9</sup>

## THE PEACE ACCORDS

The Guatemalan Peace Accords are a testament to the tireless efforts of the representatives of both sides of the struggle, plus the negotiation and mediation

skills of third parties, including representatives from Norway, Mexico, the United States, Venezuela, Colombia, and Spain. The peace process began in 1986, spanned ten years, and produced twelve separate agreements, culminating in the signing of the Twelfth Accord on December 29, 1996. Perhaps the success of this final ceasefire was the Guatemalan government's promise to address a number of key issues that were related to important underlying causes of the civil war. These issues included the human rights of the Indigenous Peoples, agrarian and socio-economic development, the creation of a civil society built on the foundations of a culture of peace, and the establishment of a truth commission.<sup>10</sup> In other words, far beyond the agreement to a ceasefire (negative peace), the accords prescribed the steps that would foster Guatemala's transition to a country of "positive peace," a nation built on the principles of social justice. The specifics of the documents were impressive, and included the plans (including timelines) for the dissolution of the Military Police, the reduction of the size of the Guatemalan army by thirty-three per cent, the reorganization of military training from offensive counterinsurgency to peacekeeping, and processes for the inclusion of poorly represented groups such as women in decision making.<sup>11</sup>

The peace accords also set the terms for the disarmament, demobilization, and re-integration (DDR) of the ex-combatants, increasingly a crucial element in the drafting of peace accords throughout the globe.<sup>12</sup> The URNG, the former rebel organization, was given legal status as a political party according to Accord Number Ten, further attesting to the commitment of the accords to open the way for the journey from military to civil society.<sup>13</sup>

## THE JOURNEY TO PEACE TWELVE YEARS LATER

The transition from a civil war to a post-conflict civil society can be a long journey, and, without conscious attention paid to the development of good governance and human rights, the ultimate achievement of social justice can be elusive. Clearly, the economic disparity, which was one of the major underlying causes of the long civil war, has to be addressed in the post-conflict phase.

### *External Influences*

Studying the path of Guatemala since the peace accords cannot be done in isolation; it needs to be placed in the context of global economic and political trends. To begin with, as an ideological conflict between Communism and

capitalism, and as a proxy to the war between the United States and the Soviet Union, the cessation of the Guatemalan civil war was influenced by the collapse of the former Soviet Union. With the end of the Cold War in the 1990s there was a marked trend away from American interest in containing Communism. As such, American foreign policy toward Guatemala shifted from military backing to peacebuilding. This shift culminated in President Clinton's public apology, during an official visit to Guatemala in 1998, for the American military's role in the human rights abuses, including genocide, during the civil war.<sup>14</sup>

Despite the global shift in political alliances, within the global economic order, Guatemala continued to reside in what Galtung refers to as the periphery.<sup>15</sup> Naomi Klein refers to the challenge that post-conflict societies face in light of the stranglehold of the current neo-liberal-dominated global agenda. Citing a similar situation in post-Apartheid South Africa, Klein states, "New governments are, in effect, given the keys to the house, but not the combination to the safe."<sup>16</sup> Arguing from another perspective, Arjun Appadurai stresses that globalization, in fact, increases the likelihood of conflict because our diminishing national identities (however socially constructed or imaginary) offered us security. "Globalization exacerbates these uncertainties and produces new incentives for cultural purification as more nations lose the illusion of national economic sovereignty or well-being."<sup>17</sup> Globalization, therefore, may be creating sufficient economic and social uncertainty to undermine what Ho-Won Jeong cites as important components of social justice: self-esteem, security, and self-identity.<sup>18</sup>

Upon visiting Guatemala, one is immediately struck by the country's physical beauty, vibrant ethnic diversity, and paradoxical wealth and poverty. In addition, one cannot help but notice another pressing variable: the large cohort of foreigners in the country. In the capital city, it is business people forging economic links made possible through the Central American Free Trade Agreement (CAFTA). In the countryside, it is solidarity activists, partnering with local groups to address the root determinants of the poverty—racism, sexism, a powerful hegemony, and environmental disasters caused by foreign mining conglomerates. And throughout the country are the teams of evangelizers, who are slowly but surely transforming the religiosity of peoples who historically practiced Catholic and Mayan religions. One cannot help but wonder how this new "invasion" is affecting the country's fragile transition to a post-conflict society. Cynics might argue that these forces are distracters: the

evangelicals are shifting people's energies away from everyday struggles with violence and poverty by focusing on the afterlife; foreign solidarity activists are placating local activists by providing much-needed, but impossibly inadequate, resources, and at the same time tempering the political force needed for widespread change to occur;<sup>19</sup> and the business elite continue to solidify the neo-liberal grasp on the country.<sup>20</sup> In addition to these invading forces are the baby adopters, well-intentioned couples from the United States who have, until recent restrictions<sup>21</sup> made Guatemala the second largest source, after China, of adoptions. One in every one hundred Guatemalan babies born in 2007 was adopted by an American family.<sup>22</sup> Guatemala has become a nation of adoptees because of a system of lax laws and a tragic, seemingly endless supply of poverty-stricken mothers whose situations are desperate enough for them to relinquish what is often their last source of wealth and dignity—their children. However, due to a growing number of allegations from national and international human rights organizations of children being bought from unwilling mothers or even kidnapped for the sake of profiteering, adoptions have now been curtailed pending a national investigation.<sup>23</sup>

The impact of the presence of so many foreign interests, regardless of intention, has not been studied nearly enough to determine how it is shaping Guatemala's transition to a post-conflict society. Might foreigners' significant influence prevent good governance by tempering those voices that need to be actively working for change? Or, on the contrary, might they free up well-needed resources to allow the government to concentrate on the rebuilding of good governance? By operating under a framework of charity rather than social justice, well-intentioned interventions may in fact further entrench long-established structural violence by reinforcing existing economic and political disparities, and may prevent real change from occurring.<sup>24</sup>

Another tragic influence on Guatemala's journey to social justice is the international trafficking of illicit drugs. It is estimated that seventy-five per cent of all cocaine that reaches the streets of the United States passes through Guatemala.<sup>25</sup> International drug cartels use Guatemala as a corridor from South America to North America. The money and resulting power from this international trade have left many regions of Guatemala virtually lawless, while the profits have bought the influence of many major political parties, the judicial system, large businesses, and the military.<sup>26</sup> Acting beyond the law and with increasing amounts of power, this powerful force has significantly hampered Guatemala's return to civil society.

In summary, the preceding discussion of the influences of globalization, American foreign policy, an influx of foreign interests, and international drug trafficking has highlighted the challenges of a nation's struggle to achieve a culture of peace. The following discussion builds upon these challenges by highlighting four additional factors that are specifically relevant for post-conflict societies.

### *The Tension between Peace and Justice*

As Brewer notes, peace can be narrowly defined as an end to war.<sup>27</sup> However, this leaves the wider issues of social justice unaddressed. With justice, peace naturally follows, but justice does not necessarily follow peace. Therefore, it is necessary to examine more closely Guatemala's journey to the redistribution of social and economic resources and to explore the distance between negative peace and positive peace.

Brewer argues that the journey to justice is much more challenging for countries such as Guatemala, where a significant relational distance exists between various groups of citizens.<sup>28</sup> Within the context of Guatemala, the relational distance can be argued to refer primarily to the cultural gap that exists between the indigenous and non-indigenous, or Ladino, subcultures. The underlying variable, to which all discussions of power and poverty in Guatemala ultimately lead, is the iron-fisted oligarchy, or economic hegemony, of Guatemala's ruling elite. It is widely contended that the country is ruled and controlled by an elite consisting of approximately 150 families.<sup>29</sup> Marta Arzu, in her seminal research on the Guatemalan oligarchy entitled *Guatemala: Linaje y Racismo* (Lineage and Racism), painstakingly traced family genealogies dating back to immigration from Spain in the sixteenth and seventeenth centuries, and argued that, through conscious racist practices, the oligarchy was able to solidify the economic, military, and political power within a group of select families whose legacy is alive and well today. Although the civil war has ended, this oligarchy continues unabated, so firmly entrenched that democratic initiatives to date have not been able to alter it.<sup>30</sup> Although the civil war adversely impacted the nation's poor and indigenous, and, through counterinsurgent state terror, even some members of the middle class, the ruling class remained essentially untouched. Therefore, while the peace accords have brought some relief from human rights violations and social conditions related to poverty and discrimination to the majority, they did not do so at the expense of the ruling minority.

Table 1 offers the most recent data on Guatemala's current post-conflict status in terms of poverty rates and other indicators of social and economic equality. It also compares Guatemala's status in relation to its Central American neighbours.

TABLE 1: Indicators of Social and Economic Equality (1999-2007)<sup>31</sup>

<i>Indicator</i>	<i>Guatemala's Current Status</i>	<i>Rank among Central American Nations*</i>	<i>Range among Central American Nations*</i>
Poverty	56%	8/8	18-56%
Literacy	69%	7/8	68-96%
Life Expectancy	70 years	6/8	68-77 years
Infant Mortality	30 out of 1000 live births	8/8	10-30 out of 1000 live births
Income Disparity (Share of national wealth for the bottom 10%)	0.9%	5/7**	0.7%-2.2%
Income Disparity (Share of national wealth for the top 10%)	43.4%	7/7**	33.8%-43.4%

\*Includes Mexico, Belize, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, and Guatemala

\*\*Denominator does not include Belize because no data is available

These figures offer a picture of Guatemala's success, or lack thereof, in attaining social and economic equity for its citizens. Unfortunately, when compared to its neighbours (some of which are also recent post-conflict societies), Guatemala is last or near last in every indicator despite enjoying sufficient economic resources<sup>32</sup> to allay this situation. Strategies to redistribute the nation's wealth, such as the implementation of a progressive tax system, have consistently been resisted by the nation's business community.<sup>33</sup> This stronghold seemed evident during the 2007 presidential election, when solving the nation's economic disparity was a central theme of all party platforms.



However, not one major party, regardless of political leaning, suggested a systematic tax reform. This is perhaps one of many global examples where significant political change occurred without an accompanying shift toward economic justice. Marina Ottaway's analysis of post-apartheid South Africa offers a parallel example.<sup>34</sup> Jeong notes that many would argue that the global dominance of neo-liberal capitalism has shifted real power from the nation-state to multinational corporations.<sup>35</sup> The result is that even well-intentioned, democratically elected governments in Guatemala will struggle, perhaps with increasing futility, to carry out their mandates of true economic reform.

In spite of legitimate pessimism, there are noteworthy signs that some things in Guatemala are changing; that, in fact, significant progress is being made to address human rights violations and poverty and to work toward the goal of fostering civil society. For example, the last presidential election, in the fall of 2007, was remarkably different from past elections on many levels. Although the subject of tax reform was not broached, the issues of poverty, education, and the rights of women and the indigenous were front and centre on the platforms for all major parties. Though there was the need to hold a second ballot because of a narrow margin of victory, the people of Guatemala elected a social democrat, Alvaro Colom, for the first time since the 1950s. The second-place finisher, however, was Otto Perez-Molina, a former military general with links to several high-profile human-rights-abuse cases (including the 1998 assassination of Bishop Juan Gerardi hours after the Catholic Church's release of *Guatemala: Never Again*, a human rights report condemning the Guatemalan army's actions during the civil war).<sup>36</sup> The juxtaposition of the two rivals again emphasizes the tensions of the post-conflict society. The election of Colom may represent the widening cracks in the military hegemony, while General Perez Molina's close second-place finish may represent the underlying fear of continuing political and social uncertainty, where basic needs like personal security may seem more important than societal justice. It no doubt also represents the fact that the influence of the military is still alive and well in Guatemala.

Another positive sign of change was the fact that Rigoberta Menchu, 1993 Nobel Peace Prize Winner and indigenous leader, also campaigned for president in the 2007 election. The significance of Menchu's journey from poor indigenous peasant to presidential candidate cannot be ignored, considering that both of Menchu's parents and a brother were brutally murdered in separate incidents in the state-sponsored genocide of a mere generation ago. In

an analysis of Guatemala's journey to social justice, Lucia Pallicer-Arellano<sup>37</sup> concludes that the peace accords have opened up a significant space for the participation of groups that were formerly subordinated and excluded, from the village and municipal to the departmental (provincial) level. For example, over thirty-eight per cent of the nation's mayors are now indigenous.<sup>38</sup> What may still be missing, however, is the confidence of the people in their government's ability to implement change.<sup>39</sup>

*The tension between truth and reconciliation*

In the journey from civil war to social justice, there is a legitimate need for truth. However, the tension between truth and reconciliation can manifest itself because revealing the identities of those who were behind horrific acts of violence and genocide can also re-open wounds, increase anger, and possibly lead to more violence and revenge.<sup>40</sup> Therefore, truth commissions need to be conducted with a great deal of foresight and sensitivity. It is no wonder that opposing sides in a given conflict may see truth and reconciliation from opposing perspectives. The perpetrators may emphasize the need for reconciliation, while victims may emphasize the need to uncover the truth.

Guatemala's Truth Commission was born out of the peace accords. The report of the Commission on Historical Clarification (known by its Spanish acronym CEH) was released in 1999, almost three years after the peace accords were signed. The purpose of the CEH was to clarify the human rights violations and formulate specific recommendations to preserve the memory of the victims, in order to cultivate a culture of respect for human rights and democracy.<sup>41</sup> Because of the ongoing formidable presence of the military and their influence on the prevailing political hegemony, the mandate did not include the naming of individual perpetrators.<sup>42</sup> Despite this limitation, the authors of the report concluded that the violations perpetrated by the Guatemalan army officially constituted genocide.<sup>43</sup> This pronouncement has serious implications because, according to some people's interpretations of the United Nations Convention on Genocide, it has opened the door for prosecution at the international level.<sup>44</sup>

A few arrests—such as the charging of Felipe Cusanero Coj, a 65-year-old indigenous man and low-ranking army official during the civil war who is currently awaiting trial for the disappearances of six persons during the 1980s—have occurred at the national level.<sup>45</sup> The significance of the occasional arrests of low ranking military personnel needs to be juxtaposed with the outstanding

international judicial case of General Efraín Ríos Montt, former dictator and army general during the height of state-directed violence. Ríos Montt has been accused of spearheading the genocide and scorched earth policy, which resulted in 626 massacres, primarily in the indigenous rural areas, carried out in the early 1980s.<sup>46</sup> Despite current extradition orders from the Spanish judiciary to stand trial for charges of genocide, General Ríos Montt remains not only free, but also staunchly supported within critical circles of influence, enabling him to be recently re-elected to the Guatemalan Congress. Ríos Montt remains protected from extradition efforts as long as he stays within Guatemala, because the Constitutional Court of Guatemala has ruled that Spain has no jurisdiction to prosecute Guatemalan citizens, despite international laws to the contrary.<sup>47</sup>

Perhaps the most important finding of the CEH was to lay clear responsibility for the atrocities of the civil war on the lap of the army and its allied forces. The CEH concluded that the army was responsible for ninety-three per cent of the atrocities, including massacres, extra-judicial killings, disappearances, torture, and rape. The insurgent URNG, on the other hand, was deemed responsible for only three per cent.<sup>48</sup> In addition, the report identified that fully eighty-three per cent of the victims were Mayan Indigenous.<sup>49</sup>

The significance of the CEH assigning collective institutional culpability for the atrocities during the war cannot be overstated in a society where the cloak of impunity has ruled absolute. Determination of individual accountability is now also possible due to the accidental discovery of over a million documents in an abandoned warehouse of the National Police in 2005. These documents record the clandestine activities carried out by all levels of the National Police Force from 1975 to 1983. Under the auspices of the Office of Human Rights, hundreds of local and international experts are poring over this new source of evidence, which, according to archive director Gustavo Meono, contains sufficient evidence to proceed with criminal charges against many of the perpetrators.<sup>50</sup> There is renewed hope that the weight of this evidence, in addition to previous official documents asserting genocide and the authorship of such, will be sufficient to finally and irrevocably overthrow the impunity that has continued in spite of the peace accords and the truth commission.

### *The integration of former combatants*

The integration of former combatants involves combatants from the full array of armed factions that were involved in the civil war, including the guerrillas

(URNG), the Civil Patrols, (ostensibly volunteers who, under the direction of the army, kept vigil in their rural communities against guerrilla attacks), and the soldiers of the Guatemalan Army.

As previously mentioned, members of the URNG numbered around 3,600 by the end of the civil war. The process of their disarmament, demobilization, and reintegration (DDR) received a great deal of assistance from outside agencies such as the United States, the European Union, and the United Nations,<sup>51</sup> and included, among other things, training in trades such as agriculture, construction, and small business. The URNG members were divided into two groups: those who had families, land, or some form of livelihood to which to return, and those who had neither family nor assets within civilian society. The latter group amounted to a significant minority and represented people whose family members had been massacred and, in many cases, whose entire villages had been completely destroyed. Of these, a large majority wished to re-integrate into Guatemalan society collectively. As such they envisioned and subsequently actively negotiated the terms of their reintegration to include the purchase of collectively-held land and the establishment of legally recognized cooperatives where they would have the opportunity to create a social, political, and economic model of life based on the principles of equality. This dream was realized by many, and three different collectives were established throughout the country. However, due to many factors, two have disbanded and only one remains.<sup>52</sup> The remaining cooperative of Nuevo Horizonte (New Horizon) has approximately 400 residents, and, although it is struggling under the burden of a nearly-one-million-dollar mortgage (no funds were made available to the ex-combatants to purchase their land), its members continue steadfastly to strive to enact their vision of social, political, and economic equality set within Guatemalan civilian society, twelve years after putting down their weapons.<sup>53</sup>

Unlike the case of the guerrillas, there was no international assistance in the demobilization of the Civil Patrols.<sup>54</sup> The Civil Patrols were comprised almost entirely of indigenous rural *campesinos* who were forcibly conscripted into volunteer vigilante roles. They were directly controlled by the National Army, who ostensibly used the 1.5 million Civil Patrols (at their height in the early 80s)<sup>55</sup> to protect rural villages from guerrilla infiltration. Their presence was onerous, as determined by the CEH, and their actions were responsible for eighteen per cent of the civil war's human rights violations.<sup>56</sup> Their reintegration was challenged because they received no form of compensation for their service, despite being forcibly recruited and despite losing work time (and

therefore income).<sup>57</sup> Though large financial sums (equivalent to US\$8,000 per person) were promised by the Guatemalan government as compensation to members of the Civil Patrol following the signing of the peace accords (especially during presidential campaigns), the final payout was equivalent to only about US\$200 per person.<sup>58</sup> This aspect of the reintegration of former agents of the Guatemalan army was less successful than anticipated,<sup>59</sup> due to the lack of attention in the process of DDR to this faction, and perhaps also because of their involvement in a number of human rights abuses during the war. There was no precedent for a process that would effectively assist civilian members who had been forcibly recruited by the army to carry out acts of violence against their will, and thus, they and the rest of society were essentially abandoned to deal with the social, psychological, and economic damage from their participation.

Reintegration of the third group, the soldiers of the Guatemalan army, has received very little attention from the international community or the research literature. It is hard to imagine that the legacy of forced conscription, indoctrination, and participation in genocide (largely committed by indigenous soldiers against other indigenous people) has not had a long-lasting effect on the future of Guatemala. Many poor rural Guatemalan men and boys were also transformed into elite fighters, called *Kaibiles*, who received a particularly brutal form of indoctrination (including torturing of animals and the drinking of human blood) intended to turn them into desensitized killing machines.<sup>60</sup> In the words of Luis Contreras, a former Guatemalan soldier and now a high school principal, "It will take a generation for Guatemala to achieve peace, because peace will not be possible until all the former participants of the atrocities have died."<sup>61</sup> With no form of reintegration for these soldiers provided in the peace accords, despite their involvement in a plethora of crimes against humanity, Guatemalans must live with the consequences of these soldiers simply being discharged, still poor but now irrevocably traumatized, back into their communities.

### *The legacy of violence*

Twelve years after the end of the civil war, Guatemala presents an anomaly. With regard to violence, in some ways the nation has changed dramatically, and in other ways it is disturbingly similar. There is no longer the overarching fear of the army or clandestine police or paramilitary forces. However, now there is fear of random criminal violence. Sergio Morales, Guatemala's chief

Human Rights Officer, summarizes Guatemala's current reality by saying that, although the civil war is over, the country now faces a more difficult, undeclared war.<sup>62</sup> Political violence has been replaced by criminal violence, now giving Guatemala the third highest murder rate in the Western Hemisphere,<sup>63</sup> unprecedented violence against women,<sup>64</sup> gang violence, and rising drug activity. One might conclude that the object of fear has simply shifted from fear of the army to fear of criminals. It used to be soldiers standing at the street corners, but now one sees private armed guards everywhere, hired to protect individuals and businesses from an epidemic of crime that the government seems unwilling or unable to control.

Carol Ember and Melvin Ember have demonstrated a positive correlation between the presence of warfare in a given culture and that culture's level of interpersonal violence.<sup>65</sup> Considering Guatemala's recent history, it is not surprising that violence against women in Guatemala has reached a level where international experts now refer to it as a legacy of femicide. According to Olenka Frenkiel, Guatemala is a nation accustomed to violence and used to impunity.<sup>66</sup> The result is that women, with fewer rights and privileges due to long-standing discrimination, are victimized. Last year there were 665 murders of women in Guatemala, and none of them were solved.<sup>67</sup> Currently, only Russia has a higher murder rate for women.<sup>68</sup> Speculation as to the causes of the alarming increase in the murders of women has led to several different explanations, but Alston, in his United Nations Report on Impunity in Guatemala, states that impunity, a direct legacy of state terror, is a significant reason why women are being murdered.<sup>69</sup>

Gangs of delinquent youth, organized crime rings, kidnappings, and killings of transit drivers who refuse to pay their "protection money" are becoming the preoccupation of ordinary citizens in Guatemala. As a far more concrete entity, direct violence in the form of murder has captured the fear and attention of this nation in a way that decades of structural violence never could. Personal security was a major campaign issue in the last presidential election in the fall of 2007, which, during its own course, saw a significant number of politically motivated assassinations of candidates from virtually all parties.<sup>70</sup> The fact that Guatemala was about to reinstate the death penalty (widely supported by the populace) in 2008 is an example of the growing impatience with the level of impunity for criminals and organized gang members. Citizens are losing patience because the vast majority of perpetrators of violent crimes are never caught. Human rights organizations such as Amnesty International maintain that the reinstatement of the death penalty would be a regressive step, indicative of a

strengthening of the culture of violence.<sup>71</sup> Their concerns are likely legitimate in the case of Guatemala, as the track record of the judicial system since the peace accords indicates a high degree of incompetence,<sup>72</sup> increasing the likelihood of convicting and sentencing innocent persons. However, as testimony to the small but significant changes occurring, Guatemala's President Colom has vetoed the bill, arguing that reinstating the death penalty would not be a step toward creating a civil society.<sup>73</sup>

Goldstein chronicles a common shift in focus from "communists to criminals" throughout Latin America since the end of the Cold War, where, in the absence of official provision of security and justice, many barrio residents have turned to violence, taking the law into their own hands.<sup>74</sup> A recent human rights opinion poll determined that almost two thirds of Guatemalans listed security related to crime as the nation's number one priority, while less than one per cent listed political human rights.<sup>75</sup> The shift from political human rights to security can be seen in the sometimes violent reactions of ordinary citizens to criminals, in response to the perceived inaction of the state to protect them. Horrific acts of violence, including lynchings, burning persons alive, and other gross violations of human rights, are being brought upon petty criminals in Guatemala as vigilante justice. Even Guatemala's network of human rights offices, located in each of the twenty-two departments, are receiving more complaints related to gangs and delinquency than to the political human rights abuses that were rampant just over a decade ago.<sup>76</sup>

What are the legacies of Guatemala's civil war? Could it be that the rising levels of direct violence have resulted from a culture of violence created by the atrocities of the war—atrocities for which the majority of perpetrators have not been brought to justice? Mahmood Mamdani makes the argument that this legacy is not unique, but can be found in many post-civil war societies, especially those that lack the governance to bring about effective change. With regard to the cause of this new violence, Mamdani states, "We need to understand that both forms of contemporary terror were forged in an environment of impunity created by state terror during the late Cold War."<sup>77</sup> Guatemala's challenge of continued violence is not unique, but it is nonetheless of paramount importance.

## CONCLUSION

This paper has examined the journey of the Guatemalan people, which started twelve years ago with the historic ending of their long and brutal civil war. The journey to become a society built on the principles of social justice is not yet

over, as the conditions that led to the civil war in the first place have not been fully addressed. Although negative peace has been achieved, positive peace remains somewhat elusive. Small but tangible changes have been noted, however. As well, the context of Guatemala's challenge has exposed how powerful international influences have negatively and positively affected the journey. Many factors influence the development of a post-conflict society. For Guatemala, a Cold War ideology has been replaced by the international pressures of a neo-liberal agenda, while the iron-fisted elite, with its economic hegemony and culture of impunity, remains essentially intact. Political violence has been replaced by criminal violence, while the Western-style rhetoric of human rights has failed to offer hope to the majority of ordinary Guatemalans.

David Augsburger suggests that conflict is the recognition that we live in a world of multiple constructed realities, and that conflict resolution is the bringing together of our contrasting meanings and interpretations to create a single shared story.<sup>78</sup> In the case of Guatemala, we have seen that a single shared story has been challenged by the tension between peace and justice and between truth and reconciliation. The long-standing hegemony of the elite and deeply rooted structural violence have remained virtually untouched not only by the civil war, but also by subsequent attempts to achieve social justice. While at times it seems almost hopeless, we are reminded that unimaginable changes have taken place in recent history. In the words of Vaclav Havel, who went from political prisoner to president of Czechoslovakia, "As a playwright, I'm used to the fantastic. I dream up all sorts of implausible things and put them in my plays. So this jolting experience of going from prison to standing before you today, I can adjust to this. But pity the poor political scientists who are trying to deal with what's probable."<sup>79</sup> The journey to positive peace in Guatemala continues despite setbacks, and seemingly small but very significant change is unfolding. The people of Guatemala are not alone in their journey. Their success is tied to the world around them, and, ultimately, the accomplishments of the Guatemalan people may one day set an example for us all.

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